

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ANDREW STEPHEN DRAZDIK, JR.,

Case No. 1:21-cv-182

Plaintiff,

Barrett, J.
Bowman, M.J.

v.

KAO CORPORATION HQ, et al.,

Defendants.

REPORT AND RECOMMENDATION

On October 25, 2021, the Court directed Plaintiff to “show cause” for his failure to effect timely service upon the Defendants in this case, pursuant to Fed. R. Civ. P. 4(m). (Doc. 6). The Court expressly warned Plaintiff in the same Order that “the Court proposes to dismiss his complaint without prejudice, due to Plaintiff’s failure to effect timely service of process of the summons and complaint upon the Defendants.” (*Id.*) See also, generally, *Osborne v. First Union Nat’l Bank of Delaware*, 217 F.R.D. 405, 408 (S.D. Ohio 2003); *United States v. Gluklick*, 801 F.2d 834, 837 (6th Cir. 1986), *cert. denied*, 480 U.S. 919 (1987). In addition, the Court takes judicial notice of the fact that Plaintiff filed a related case, Case No. 20-cv-509, that was dismissed for failure of service on February 2, 2021 – shortly before Plaintiff filed the instant case.

In the above-captioned case, Plaintiff was again provided with clear notice of the Court’s proposed dismissal, and still failed to file either a motion to extend time for service or any other response to the Court’s Order to Show Cause. His time to respond expired

months ago, and his failure to do so provides further confirmation of Plaintiff's failure to timely prosecute this case.

Conclusion and Recommendation

Accordingly, **IT IS RECOMMENDED THAT** this case be **DISMISSED** for failure of service under Rule 4(m), and for failure to prosecute.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **FOURTEEN (14) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).